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10 *Attorneys for Defendants*

YELP INC., JEREMY STOPPELMAN, LANNY BAKER, and

11 JED NACHMAN

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **SAN FRANCISCO DIVISION**

15
16 JONATHAN DAVIS and ROEI AZAR, on
17 Behalf of All Others Similarly Situated,

18 Plaintiffs,

19 v.

20 YELP, INC., JEREMY STOPPELMAN,
21 LANNY BAKER, and JED NACHMAN,

22 Defendants.
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Case No. 3:18-cv-00400-EMC

**SECOND JOINT STIPULATION AND
[PROPOSED] ORDER CONTINUING
DATE TO FILE MOTION FOR
PRELIMINARY APPROVAL OF
SETTLEMENT AS MODIFIED**

The Hon. Edward M. Chen

1 Lead Plaintiff Jonathan Davis, on behalf of himself and the certified class (“Lead
2 Plaintiff”), and Defendants Yelp Inc., Jeremy Stoppelman, Lanny Baker and Jed Nachman
3 (collectively “Defendants”; and together with Lead Plaintiff, the “Parties”), hereby enter into the
4 following stipulation and jointly request that the Court reset the date for Plaintiff to file his motion
5 for preliminary approval of the settlement of the above-captioned action (the “Action”).

6 WHEREAS, on September 9, 2021, the Court entered an Order Denying Defendants’
7 Motion for Summary Judgment (ECF No. 169);

8 WHEREAS, on November 12, 2021, the Parties participated in a mediation but failed to
9 reach an agreement to settle the Action;

10 WHEREAS, on November 24, 2021, the Parties reached an agreement in principle to
11 settle the Action in its entirety;

12 WHEREAS, on December 3, 2021, the Parties executed a Settlement Term Sheet, setting
13 forth all the material deal points associated with resolution of the Action;

14 WHEREAS, on December 10, 2021, the Court entered an Order: (1) stating that Plaintiff
15 will submit his motion for preliminary approval of the proposed class action settlement within 60
16 days, or will provide the Court with an update at that time; (2) requiring the Parties to submit a
17 Joint Report on March 1, 2022; and (3) setting a Status Conference for March 8, 2022 at 2:30 p.m.
18 (ECF No. 178);

19 WHEREAS, on February 9, 2022, the Court entered the Joint Stipulation and Order
20 Continuing Date to File Motion for Preliminary Approval of Settlement stating that Plaintiff will
21 submit his motion for preliminary approval of the proposed class action settlement by March 1,
22 2022, or the Parties will submit a Joint Report updating the Court at that time (ECF No. 180);

23 WHEREAS, the Parties have exchanged drafts of the Stipulation of Settlement and
24 exhibits thereto;

25 WHEREAS, there are many constituencies involved in the review and approval of the
26 settlement terms, including Yelp’s board of directors and insurance carriers;

27 THEREFORE, IT IS STIPULATED AND AGREED between the undersigned Parties, by
28

1 and through their respective counsel and subject to the Court's approval, as follows:

2 1. Plaintiff will submit his motion for preliminary approval of the proposed class
3 action settlement by March 31, 2022, or the Parties will submit a Joint Report updating the Court
4 at that time.

5 2. The Status Conference currently scheduled for March 8, 2022, is continued until
6 April 12, 2022.

7
8 IT IS SO STIPULATED, through Counsel of Record.

9 Dated: February 28, 2022

ARNOLD & PORTER KAYE SCHOLER LLP

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*Attorneys for Defendants Jeremy Stoppelman,
Lanny Baker, and Jed Nachman and Nominal
Defendant Yelp Inc.*

18 Dated: February 28, 2022

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1 Dated: February 28, 2022

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*Attorneys for Lead Plaintiff Jonathan Davis
and the Class*

ATTESTATION PURSUANT TO LOCAL RULE 5-1(h)(3)

11 This certifies, pursuant to Civil Local Rule 5-1(h)(3), that all signatories to this document
12 concur in its content and have authorized this filing.

13 Dated: February 28, 2022

/s/ Aaron F. Miner
Aaron F. Miner

16 **PURSUANT TO STIPULATION IT IS SO ORDERED.**

The Status Conference currently
scheduled for March 8, 2022, is
continued to April 19, 2022 at 2:30 PM.

18 DATED: March 1, 2022

HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT COURT

